

09/423905



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.

09/423905

TANI

FIRST NAMED APPLICANT

ATTY. REF. NO.

INTERNATIONAL APPLICATION NO.

PCT/JP99/01373

I.A. FILING DATE

PRIORITY DATE

03/19/99

03/19/98

DATE MAILED:

12/27/99

TESTA HURWITZ & THIBEAULT
PATENT ADMINISTRATOR
125 HIGH STREET
HIGH STREET TOWER
BOSTON MA 02110



NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☐ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☒ a non-English language.
☐ English.

☐ Translation of the international application into English.

☒ Oath or Declaration of inventors(s) for DO/EO/US. (unsigned)

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☒ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) (703) 305-3831

Barbara Campbell
National Stage Processing



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

COPY

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/423905	TANI	FJN-077
INTERNATIONAL APPLICATION NO.		
PCT/JP99/01373		
I.A. FILING DATE	PRIORITY DATE	
19 MAR 99	19 MAR 98	
DATE MAILED 05 APR 2000		

TESTA HURWITZ & THIBEAULT
PATENT ADMINISTRATOR
125 HIGH STREET
HIGH STREET TOWER
BOSTON, MA 02110

DOCKETED
5-5-00

NOTIFICATION OF A DEFECTIVE RESPONSE

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed _____ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
2. ☐ Applicant's response filed _____ was received in the Office on _____, which is after the expiration of the period for response set in the last Office notification mailed _____. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3. ☒ Applicant's response filed 03/06/00 included the following items, the receipt of which is hereby acknowledged:

- ☒ Copy of the international application in:
 - ☒ a non-English language.
 - ☐ English.
 - ☐ Translation of the international application into English ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
 - ☐ Processing fee (37 CFR 1.492(f)) ☐ which is insufficient.
 - ☒ Oath or Declaration of inventor(s).
 - ☒ in compliance with 37 CFR 1.497(a) and (b).
 - ☐ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - ☒ Surcharge (37 CFR 1.492(e)) ☐ which is insufficient.
 - ☐ Copy of Article 19 amendments.
 - ☐ Translation of Article 19 amendments into English.
 - ☐ The International Preliminary Examination Report in English and its Annexes, if any.
 - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
 - ☐ Preliminary amendment(s).
 - ☐ Information Disclosure Statement(s).
 - ☐ Assignment document.
 - ☒ Power of Attorney and/or Change of Address.
 - ☐ Substitute specification.
 - ☐ Verified Statement Claiming Small Entity Status.
 - ☒ Priority Document.
 - ☒ Other: Extension of time

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TESTA, HURWITZ & THIBEAULT

4. ☒ All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed March 6, 2000) have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation

Barbara A. Campbell

Telephone: 703-305-3631



TRANSMITTAL FORM

Application Serial Number	09/423,905
Filing Date	November 16, 1999
First Named Inventor	Tani
Group Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket No.	FJN-077

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings (Total Sheets <u> </u>) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund <input type="checkbox"/> After Allowance Communication to Group	<input type="checkbox"/> Appeal Communication to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Notification of Missing Requirements Under 35 USC 371 in the U.S. Designated/Elected Office (DO/EO/US) (2 pgs.) Notification of a Defective Response Translation of the international application into English Check for \$130.00 for processing fee required under 37 CFR 1.492(1) Check for \$760.00 for extension of time Copy of Request for Extension of Time filed February 28, 2000
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CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
 Testa, Hurwitz & Thibault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
 Fax No.: (617) 248-7100

SIGNATURE BLOCK

Date: April 21, 2000
 Reg. No. 39,061
 Tel. No.: (617) 248-7368
 Fax No.: (617) 248-7100

Respectfully submitted,

 Christine C. Vito
 Attorney for Applicant(s)
 Testa, Hurwitz & Thibault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110



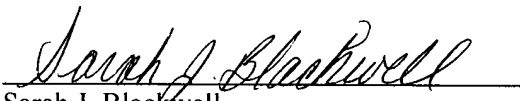
410 Rec'd PCT/PTO 24 APR 2000 #5
PATENT
Attorney Docket No. FJN-077

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Tani et al.
SERIAL NO.: 09/423,905 GROUP NO.: Not yet assigned
FILING DATE: November 16, 1999 EXAMINER: Not yet assigned
TITLE: Therapeutic Agent For Preventing And/Or Treating Sepsis

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, Washington, DC 20231 on this 21st day of April, 2000.


Sarah J. Blackwell

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith is/are:

Transmittal Form (1 pg.); Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pgs.); Notification of a Defective Response (1 pg.); Translation of the International Application Into English (12 pgs.); Check in the amount of \$130.00 for the Processing Fee under 37 CFR 1.492(f); Petition for Extension of Time Under 37 CFR 1.136(a) (1 pg.) (Three Month Extension of Time); Check in the amount of \$760.00 for the Petition for Extension of Time; Copy of Petition for One-Month Extension of Time filed February 28, 2000, including authorization to charge Deposit Account in the amount of \$110.00 (1 pg.); and postcard.

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01 FC:156
02 FC:198

130.00 OP
760.00 OP